

REMARKS

The present invention relates to an ink set comprising a plurality of inks different in hues including a yellow ink as defined in the claims into an ink cartridge comprising the same, etc.

In the Office Action of April 5, 2005, claims 5, 7, 8, and 10 were objected to because of informalities, with respect to a parenthetical recitation in claims 5 and 10, and with respect to the term “time” in claims 7 and 8. Claims 1-12 were rejected under 35 U.S.C. § 112, first paragraph as being non-enabling with respect to claim 1, but the Examiner suggested the incorporation of claim 4 into claim 1 to overcome those rejections. Furthermore, claims 11 and 12 were rejected under 35 U.S.C. § 112, second paragraph with respect to the term “using”.

Claims 1-12 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting based on specific claims of co-pending Application No. 10/368,474 and Application No. 10/645,797.

Lastly, claims 1-12 have been rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent Publication No. 2004-0020408 (Yabuki), claims 1-6 and 9-12 have been rejected under 35 U.S.C. § 102(e) based on U.S. Patent Publication No. 2003-0232902 (Takahashi et al), and claims 1-12 have been rejected under § 102(e) based on U.S. Patent Publication No. 2004-0024085 (Ishizuka et al).

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Applicants have herein amended claims 5, 7, 8, and 10, responsive to the Examiner's objections to said claims, including replacing the term "time" with the term "times" in claims 7 and 8, and amending claims 5 and 10, *inter alia*, to remove the parenthetical recitation, and substituting the specific recitation based on the disclosure in the paragraph bridging pages 48-49. Furthermore, claims 5 and 10 have been amended to clarify the definition of A¹, based on the description appearing in the specification from page 48, 3rd full paragraph to page 49, lines 6-7 from the bottom.

With respect to the rejection of claims 1-12 under 35 U.S.C. § 112, first paragraph, claim 1 has been amended herein in accordance with the Examiner's suggestion to incorporate the recitation regarding the dye being represented by general formula (1), in accordance with the Examiner's suggestion. Claims 11 and 12 have been amended to delete use of the term "using" and to insert the more appropriate recitation "comprising" in printer claim 11 and "forming an ink jet image by inkjet printing with" in method claim 12 (supported, e.g., by the disclosure at page 149, line 13 et seq.).

In view of the foregoing, it is respectfully submitted that the objections to the claims and the rejections under 35 U.S.C. § 112, first and second paragraphs, have been overcome, and should be withdrawn.

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Turning to the obviousness-type double patenting rejection, Applicants submit herewith a Terminal Disclaimer with respect to both Application Nos. 10/368,474 and 10/645,797. It is therefore respectfully submitted that the provisional rejections for obviousness-type double patenting should now be withdrawn.

Lastly, turning to the rejections under 35 U.S.C. § 102(e) based on the Yabuki reference, the Takahashi et al reference, and the Ishizuka et al, Applicant's submit herewith a verified translation of Priority Japanese Patent Application No. 2002-242238, in support of Applicant's claimed priority date of August 22, 2002, thereby removing the Yabuki, the Takahashi et al, and the Ishizuka et al references as cited prior art. Accordingly, all of the rejections under 35 U.S.C. § 102(e) should now be withdrawn. In view of the foregoing, it is respectfully submitted that all of claims 1-12 are now in condition for immediate allowance.

Early favorable action is earnestly solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C. telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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